

Message Text

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INFO OCT-01 EUR-12 ISO-00 SCA-01 JUSE-00 SSO-00 FBIE-00

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DRAFTED BY L/M:CLBLAKESLEY:EJS

APPROVED BY L/M:KEMALMBORG

L - MARK B. FELDMAN

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O 021706Z APR 75

FM SECSTATE WASHDC

TO AMEMBASSY PARIS IMMEDIATE

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E.O. 11652: N/A

TAGS: CPRS, PFOR, FR

SUBJECT: EXTRADITION - HOLDER/KERKOW

REF: PARIS 8135, 8036

1. THANK YOU FOR REFTELS AND ALL EFFORTS IN THIS
DIFFICULT CASE.

2. EMB IS INSTRUCTED TO PRESENT IN APPROPRIATE FORM
TO APPROPRIATE GOF AUTHORITIES THE INFORMATION DEPTEL
57783. WE ARE ATTEMPTING TO HAVE IT PREPARED IN
AFFIDAVIT FORM AND WILL TRANSMIT IT TO EMBASSY ASAP.

3. THE INFORMATION IN THE FBI MEMORANDA RELATED TO

BLACK PANTHER PARTY AND HOLDER'S APPARENT NON-ASSOCIATION
WITH THAT PARTY NO LONGER APPEARS RELEVANT, SINCE DEFENSE
IS ALLEGING OPPOSITION TO WAR IN VIET-NAM AS BASIS FOR
ALLEGED POLITICAL NATURE OF CRIME. THEREFORE, DEPT
BELIEVES IT IS NOT NECESSARY TO PRESENT THOSE MEMORANDA.
IF EMB. AGREES, THEY SHOULD NOT BE SUBMITTED TO GOF
AUTHORITIES.

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4. WITH REGARD TO THE TAPE RECORDING IN COCKPIT, JUSTICE

HAS HAD THREE AFFIDAVITS PREPARED BY THE TWO PILOTS AND
BY DIRECTOR OF CIVIL AVIATION SECURITY SERVICE, FEDERAL

AVIATION ADMINISTRATION WHICH RELATE TO SUBJECT'S
DEFENSE. AS INDICATED STATE 73161, THESE AFFIDAVITS DO
CONFIRM THAT SUBJECT MENTIONED HANOI AS POSSIBLE DESTI-
NATION, BUT THAT HE DID NOT PURSUE THIS EVEN AFTER HE
WAS ON BOARD AIRCRAFT THAT HAD CAPACITY TO FLY TO HANOI
FROM SAN FRANCISCO. FELDMAN WILL CARRY THESE AFFIDAVITS
WITH HIM TO PARIS ABOARD TWA 890 (DEPARTING WASHINGTON,
D.C., WEDS, 7:30 P.M., D.C. TIME). MR. FELDMAN WILL BE
AT HOTEL MASSENET. PLEASE RETRIEVE DOCS FROM MR. FELD-
MAN AT HOTEL THURSDAY MORNING.

5. DEPT IS PREPARING A MEMORANDUM OF LAW ON THE ISSUE
OF POLITICAL OFFENSE WHICH WILL FOLLOW SEPTEL. EMBASSY
REQUESTED TO SEEK EXTENSION OF TIME TO SUBMIT THIS

MEMORANDUM OF LAW AS WELL AS THE AFFIDAVITS CARRIED BY
MR. FELDMAN. WE WOULD HOPE THAT COURT WOULD DELAY
ITS DECISION UNTIL WE HAVE HAD OPPORTUNITY TO PRESENT
THESE DOCUMENTS. KISSINGER

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